Applicant : Chinn et al.   Attorney's Docket No.: 07844-599001 / P552
Serial No. : 10/646,993
Filed   : August 21, 2003
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REMARKS

Claims 1–75 are pending, with claims 1, 6, 26, 31, 51 and 56 being independent. Claims 1, 6, 26, 31, 51 and 56 have been amended. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Allowable Subject Matter

Claims 6, 31 and 56 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims, and therefore claims 6, 7, 31, 32, 56 and 57 should be in condition for allowance.

Examiner Interview Summary

A telephone interview with Examiner Baker and Examiner Williams was conducted on March 6, 2008. Proposed amendments to claims 1, 26 and 51, which may serve to clarify the claimed subject matter, but do not narrow the scope of the claims, were discussed. Agreement was reached that these amendments should be entered and that Examiner Baker would reconsider the rejections based on U.S. Patent Publication No. 2004/0118310 A1 issued to Hawksworth (hereinafter "Hawksworth") in light of these amendments.

In addition, Examiner Williams raised potential 35 U.S.C. § 101 concerns regarding claim 1. Although claim 1 was never formally rejected under 35 U.S.C. § 101, and although it is not conceded that claim 1 needs to be amended in light of 35 U.S.C. § 101, claim 1 has been amended to alleviate such concerns. Furthermore, claim 6 was never formally rejected under 35 U.S.C. § 101, and although it is not conceded that claim 6 needs to be amended in light of 35 U.S.C. § 101, claim 6 has been amended to alleviate such concerns.

Rejections Under 35 U.S.C. § 102

Claims 1–5, 8–30, 33–55 and 58–75 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hawksworth, which describes digital prepress color mixing tools. This contention is respectfully traversed.

Claim 1 is directed to a computer-implemented method, comprising: receiving data representing a first color representing a first ink and a second color representing a second ink and one or more color parameters for each of the first and second colors; defining a first mixed color group that aggregates a swatch collection of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second color, the amounts of the first color and the second color for each of the mixed color swatches being defined according to a function of the color parameters of the first and second colors; and displaying the first mixed color group.

Hawksworth discloses:

A "swatch generator" dialog box or window designed for generating a preferred list of colors. Using the swatch generator window, a user of the present invention may load from memory or from a file a stored list of colors for use as the preferred list of colors in the native artwork production environment.

See Hawksworth at par. 26. Hawksworth's swatch generator generates a list of colors from a loaded digital artwork file, creates color mixtures form the list of colors, and applies the color mixtures to one or more objects within the digital artwork. See Hawksworth at pars. 26, 38, 45 and Figs. 2–3. Hawksworth defines a list of colors loaded from a piece of digital artwork as a "swatch list" and teaches selecting colors from the swatch list. See Hawksworth at par. 46.

In claim 1, each mixed color swatch represents a mixture of an amount of a first color and an amount of a second color. In contrast, Hawksworth's swatch list comprises individual process colors and/or spot colors – not mixed color swatches that each represent a mixture of an amount of a first color and an amount of a second color. See Hawksworth at par. 36. Hawksworth can generate a single mixed color swatch with its color mixing tool palette (Fig. 1) by allowing a user to selectably choose a percentage of each of the respective swatch colors contained within the swatch list, whether it be a process color or a spot color, to apply to the digital artwork. See Hawksworth at pars. 36, 46 and Fig 1. However, within his color mixing tool, Hawksworth's swatch list is not comprised of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second color. See Hawksworth at Fig. 1. Therefore, Hawksworth fails to teach or suggest each and every element of claim 1.

Moreover, in claim 1, each of the mixed color swatches is defined according to a function of the color parameters of the first and second colors. In contrast, Hawksworth does not disclose

defining each mixed color swatch according to a function of the color parameters of the first and second colors; Hawksworth merely discloses a color mixture percentage value 190. *See* Hawksworth at par. 36. Instead of disclosing that each of the mixed color swatches is defined according to a function of the color parameters of the first and second colors, Hawksworth teaches mixing particular percentage values of swatch list colors in the color mixing tool palette to generate a single mixed color swatch. *See* Hawksworth at pars. 12, 24 and 36. In order for a user of Hawksworth's tool to generate a subsequent and different mixed color swatch, the user must return to the color mixing tool palette and re-enter different percentage values of swatch list colors. A user of Hawksworth's tool cannot generate multiple mixed color swatches with one set of input values because Hawksworth does not disclose a color parameter function. Therefore, again, Hawksworth fails to teach or suggest each and every element of claim 1.

Furthermore, in addition to an amount of a first color and a second color for each mixed color swatch being defined according to a function of the color parameters of the first and second colors, and each mixed color swatch representing a mixture of an amount of the first color and an amount of the second color, claim 1 defines a mixed color group that aggregates a swatch collection of the mixed color swatches. Conversely, in Hawksworth, after a list of colors, or swatch list, has been generated, the list does not define a mixed color group that aggregates a swatch collection of the mixed color swatches. *See* Hawksworth at par. 40. Moreover, the list of colors generated is not editable and exists passively until either the user interacts with an object in the loaded digital artwork, or there is direct user input to the color mixing tool. *See* Hawksworth at pars. 40 and 41. Thus, after generating the list of colors, or swatch list, Hawksworth does not automatically define a mixed color group. Therefore, Hawksworth fails to teach or suggest each and every element of claim 1 and claim 1 should be allowable over Hawksworth for at least these reasons.

Independent claim 26 is directed to a computer readable medium storing a computer program for creating mixed color groups, the computer program comprising instructions to cause a computer system to: receive data representing a first color representing a first ink and a second color representing a second ink and one or more color parameters for each of the first and second colors; and define a first mixed color group that aggregates a swatch collection of mixed color swatches each representing a mixture of an amount of the first color and an amount of the second

color, the amounts of the first color and the second color for <u>each</u> of the <u>mixed color swatches</u> <u>being defined according to a</u> <u>function</u> <u>of the color parameters</u> of the first and second colors. Therefore, independent claim 26 should be allowable for at least the same reasons set forth with respect to claim 1.

Independent claim 51 is directed to a system comprising: a processor; and a computer readable medium storing a computer program for creating mixed color groups, the computer program comprising instructions to cause the processor to perform operations comprising: receiving data representing a first color representing a first ink and a second color representing a second ink and one or more color parameters for each of the first and second colors; and defining a first <u>mixed color group</u> that aggregates a swatch collection of mixed color swatches <u>each</u> <u>representing a mixture of an amount of the first color and an amount of the second color</u>, the amounts of the first color and the second color for <u>each</u> of the <u>mixed color swatches being</u> <u>defined according to a</u> <u>function</u> <u>of the color parameters</u> of the first and second colors. Therefore, independent claim 51 should be allowable for at least the same reasons set forth with respect to claim 1.

Claims 2–5, 8–25, 27–30, 33–50, 52–55 and 58–75 depend from claims 1, 26 or 51 and should be allowable for at least the same reasons as their respective base claims, and based on additional recitations they contain.

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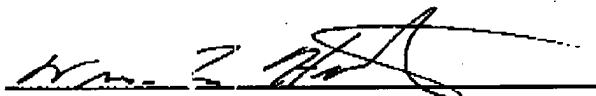CENTRAL FAX CENTER

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CONCLUSION

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the amendments and remarks herein, claims 1–75 should be in condition for allowance. A formal notice of allowance is respectfully requested.

Please apply the independent claims fee, and any charges or credits, to deposit account 06-1050.

Respectfully submitted,

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